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Letter dated 6 May 2011 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to transmit herewith the Chair's summary of the special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations on the issue of the prevention of terrorism, held at the Council of Europe at Strasbourg, France, from 19 to 21 April 2011 (see annex).

The Committee would appreciate it if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) H. S. **Puri**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Chair's summary

The Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism held a special meeting from 19 to 21 April 2011 at the Council of Europe in Strasbourg. The objective was to provide an opportunity for the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate and international, regional and subregional organizations to hold open and in-depth discussions about the preventive aspects of Security Council resolutions 1373 (2001), 1624 (2005) and 1963 (2010) and of the United Nations Global Counter-Terrorism Strategy.

I am particularly pleased that the Counter-Terrorism Committee has been able to work with the Council of Europe on this initiative, particularly in respect of the expertise that the Council possesses in the area of terrorism prevention linked to the Convention on the Prevention of Terrorism, which addresses for the first time many of the important issues under discussion in this meeting.

I have invited the Secretary-General of the Council of Europe to participate in the September special meeting of the Counter-Terrorism Committee on the tenth anniversary of the establishment of the Committee, and look forward to hearing the ideas of the Council of Europe on this meeting.

The aim of the special meeting held this week was to identify areas of complementarity and cooperation in the implementation of these resolutions in order to develop international best practices, codes and standards to assist Member States in their efforts to prevent terrorist acts.

To that end, the meeting was organized into plenary and working group sessions. The first half-day of the meeting was held in plenary to provide the framework for the subsequent working group sessions and provide an overview of the international legal framework for the prevention of terrorism and of policies, measures and good practices in this area, in particular from the point of view of contributions by international, regional and subregional organizations. It discussed progress achieved, challenges faced and lessons learned in the prevention of terrorism.

To optimize the time available and build upon the experiences and knowledge of all participants, the meeting was organized into three working groups, each group focusing on specific aspects of prevention. Working group I focused on prevention policies, including discussions on the prevention of radicalization and incitement to commit terrorist acts, the prevention of terrorist recruitment and the role of public-private partnership in preventing terrorism. Working group II concentrated on comprehensive and integrated strategies to prevent terrorism through, inter alia, national frameworks and inter-agency coordination, communication in the prevention of terrorism through media and survivor networks, and international cooperation on such issues as human rights and its enhancement while countering terrorism. Working group III dealt with the role of law enforcement and the criminal justice system in preventing terrorism. This included discussions on identification, analysis and information-sharing, criminalization and prosecution of offences related to terrorism such as incitement and recruitment to terrorism, safeguards in

criminal proceedings, and prevention through bilateral, regional and international cooperation, for example, through early-warning systems and information exchange.

In order to enrich the discussion, several experts from civil society organizations were invited and participated actively in the working groups.

Security Council resolution 1624 (2005) calls on States to criminalize incitement, but States take many different approaches, and working group I discussed some of them. The group recognized the importance of the promotion and protection of human rights and that a range of human rights need to be taken into account, including freedom of expression, freedom of association and the right to a fair trial. The group recognized the difficulty of defining incitement but concluded that the lack of an agreed definition of terrorism should not be used as a pretext for inaction, since all are aware of what terrorism is.

It discussed the meaning of incitement and the ways in which it could be tackled. Should the posting of extremist content on the Internet be criminalized, or should such posts be deleted? There are issues such as these that, at the working level, would require the involvement and commitment of the private sector. It is clear that religion is not the problem, but that the collective alienation of communities, however, is a serious risk and that civil society should play a key role in prevention.

The use of counter-narratives has been seen as an effective tool to counter incitement to terrorism. They might include the accounts of former terrorists. Various ideas were exchanged as to how to promote such counter-narratives, but one clear idea that emerged was that working at the grass-roots level is crucial and that a top-down approach is not as effective, although indirect collaboration with Government authorities can be helpful.

On recruitment, it was clear that recruitment is a criminal offence, requiring international cooperation and, in that respect, the support of international and regional organizations. Nevertheless, civil society and the private sector can play key roles in detection and early warning as recruitment takes place in diverse social settings, and is not necessarily a rigid process.

Participants in more than one group mentioned the lack of universal definitions of incitement and recruitment as obstacles to international cooperation in the criminalization and prosecution of preventive offences.

Working group II looked at the importance of States' development of national strategies in the interest of holistic and comprehensive approaches to effectively countering terrorism. In particular, it was agreed that the identification of a lead coordination agency is important, but that it is often a challenging issue.

Victims of terrorism are often neglected. There are conceptual problems, as it is incorrectly assumed that only States can violate human rights, but that is not the case.

The promotion and protection of human rights is the key issue. Human rights are a useful framework and not an obstacle. Promoting human rights can lead to the prevention of terrorism, by addressing conditions conducive to the spread of terrorism.

Working group III discussed law enforcement approaches to the prevention of terrorism. It was agreed that the exchange of information in a comprehensive and timely manner is the key to the prevention of terrorism from a law enforcement perspective. The elements essential to law enforcement information exchange and cooperation are: (a) a legal base, (b) know-how, (c) means/resources, (d) channels for communication, and (e) mutual trust.

Mutual trust is the sine qua non of information exchange and, arguably, the hardest to achieve. Participants discussed the need to have personal contact, and a network, but acknowledged that there is no universal solution. Intelligence agencies have similar forms of cooperation.

Participants also stressed the difficulties associated with the prosecution of preventive offences.

The group also discussed community policing. Community policing implies the need to have a complete understanding of the local community, as well as the need to win the support of the local community.

In fact, one important thread that ran through the discussions of all the working groups was the essential role of community, civil society and the private sector — family, schools, universities, religious institutions, youth organizations, commercial businesses — in addition to and in collaboration with the State authorities.

Finally, the role of international and regional organizations in assisting States in the prevention of terrorism was discussed. A number of concrete measures elaborated by the organizations were identified as measures which added value to international counter-terrorism efforts:

- Adoption of medium-term programmes by States;
- Regular information exchange, including that on terrorist organizations recognized as such at the regional level;
- Elaboration of model laws and models of other normative standards;
- Development of glossaries and notion terms in the counter-terrorism field;
- Live exercises through cross-border cooperation;
- Development of various international counter-terrorism databases;
- Enhancement of national capacity-building in border control, judicial sphere, judicial police and community police cooperation;
- Enhancement of support of national human rights protection entities and bar associations;
- Activities undertaken by international and regional organizations as intermediary actors in the dialogue between State authorities and civil society and media on the involvement of the latest know-how in the prevention of terrorism;
- Support of national counter-terrorism focal points and their cooperation via regional structures; and

- Assistance to States in the transposition of relevant international obligations in this field into domestic law and in the elaboration of national definitions in concrete terms.

Participants agreed that international and regional organizations had another key role. Common risk assessment is a facilitating factor for the exchange of information, and in this respect participants underlined that the role of international and regional organizations is fundamental in the organization of activities which may not be directly related to information exchange but which help to create informal and formal networking and thus help to build the trust essential for information exchange.

Following the meeting, the Counter-Terrorism Committee Executive Directorate will consolidate the outcomes and provide everyone with a document outlining the main observations made by meeting participants. It is hoped that this document will assist the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate and the Council of Europe, as well as all participating organizations and States, in their future work on this important subject.

It is the Chair's intention to utilize the deliberations in the very productive individual sessions, as reflected in the document to be circulated by the Counter-Terrorism Committee Executive Directorate and in the present summary, which has been prepared on the Chair's responsibility, as inputs that will feed into preparations for the tenth anniversary of the establishment of the Counter-Terrorism Committee, which will be observed in September 2011.